

ORDINANCE NO. 2729 NEW SERIES

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, REZONING PROPERTY FROM A-1 (AGRICULTURAL) TO PAD (PLANNED AREA DEVELOPMENT) FOR DEVELOPMENT PLAN TITLED "BELLA VILLAGIO" LOCATED AT 9801 WEST BETHANY HOME ROAD; AMENDING THE ZONING MAP; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Glendale Planning Commission held a public hearing on December 11, 2008, in zoning case ZON08-11 in the manner prescribed by law for the purpose of rezoning property located at 9801 West Bethany Home Road from A-1 (Agricultural) to PAD (Planned Area Development);

WHEREAS, due and proper notice of such Public Hearing was given in the time, form, substance and manner provided by law including publication of such notice in the *Arizona Republic* on November 26, 2008 and the *Glendale Star* on November 27, 2008; and

WHEREAS, the City of Glendale Planning Commission has recommended to the Mayor and the Council the zoning of property as aforesaid and the Mayor and the Council desire to accept such recommendation and rezone the property described on Exhibit A as a PAD (Planned Area Development) in accordance with the Development Plan currently on file with the Planning Department as of the date of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE as follows:

SECTION 1. That a parcel of land in Glendale, Maricopa County, Arizona located at 9801 West Bethany Home Road is hereby conditionally rezoned from A-1 (Agricultural) as enacted by Ordinance No. 2086 New Series dated July 19, 1999 to PAD (Planned Area Development) in accordance with the Development Plan currently on file with the Planning Department as of the date of this ordinance.

SECTION 2. That the rezoning herein provided for be conditioned and subject to the development being in substantial conformance with the development plan and permitted uses contained therein of the Bella Villagio prepared October 20, 2008.

SECTION 3. That the rezoning herein provided for be further conditioned and subject to the following:

1. Development shall be in substantial conformance with the development plan outlined in the PAD document, date stamped October 20, 2008.

2. Prior to issuance of any building permit, the City Manager and City's Airport Administrator shall review and approve the height of any building in Bella Villagio as determined by the Planning Department. The City Manager and Airport Administrator will also assess the impact of any plans for the development as it may affect airport operations. The development plan shall be modified if the City's assessment determines that the building will affect the airport operations. The applicant shall also submit a Form 7460 to the Federal Aviation Administration (FAA) and shall submit the FAA's determination to the City. A negative determination by the FAA may result in lowering the maximum building height permitted within Bella Villagio.
3. Changes in square footage of residential, office, commercial and/or hotel rooms; future land use adjustments shall be reviewed and approved at the time of design review.
4. Residential condominiums shall have an average 60 square foot private exterior open space.
5. Shared use of parking spaces among various uses such as office and retail shall be reviewed at the time of design review.
6. A master sign plan for the entire development shall be required at the time of design review.
7. Adult oriented land uses, tattoo parlors, and deferred presentment companies shall not be permitted.
8. Access to Bella Villagio shall be in accordance to the approved Traffic Impact Analysis report dated July 2008.
9. The design and construction of a traffic signal at the main driveway on 99th Avenue shall be the responsibility of the developer.
10. The developer shall be responsible for the design and construction of any modifications to the existing traffic signal at the intersection of 99th Avenue and Bethany Home Road.
11. Unless cost sharing agreements are in place for new developments, the applicant shall be responsible for design and installation of the traffic signal at 99th and Missouri avenues.
12. Unless cost sharing agreements are in place for new developments, the applicant shall improve 99th Avenue to a five lane section (two northbound lanes, two southbound lanes, a left turn lane, curb, gutter, streetlights, sidewalks, and landscaping) in conjunction with Phase 1 from Bethany Home Road south to the Montebello Avenue alignment as depicted in Figure 10 of the PAD. Ultimate roadway half-street improvements for 99th Avenue will be required in conjunction with Phase 2 between Bethany Home Road and Missouri Avenue.
13. Right-of-way dedications on 99th Avenue, Bethany Home Road, and Missouri Avenue shall be determined at the time of design review.

14. Site plan configurations for buildings M, N, and O may need to be adjusted depending on right-of-way dedications for Missouri Avenue. Final building configurations and setbacks shall be determined at the time of design review.
15. A 40' by 40' right-of-way triangle shall be dedicated at 99th Avenue and Bethany Home Road and a 25' by 25' right-of-way triangle shall be dedicated at all other public intersections.
16. All public utility easements shall be dedicated outside of the City's right-of-way.
17. All power lines less than 69 kV and communication lines adjacent to the site must be placed underground.
18. Notwithstanding anything contained in the Bella Villagio PAD document relating to billboards and/or freeway pylon signage, the subject PAD will be subject to the City's adopted Zoning Ordinance Update (ZTA09-01) related to freeway oriented billboard and freeway pylon signage; provided that ZTA09-01 does not prohibit at least one billboard or freeway pylon sign in Bella Villagio PAD.

SECTION 4. Amendment of Zoning Map. The City of Glendale Zoning Map is herewith amended to reflect the change in districts referred to and the property described in Section 1 above.

SECTION 5. Effective Date. This Ordinance shall become effective at the time and in the manner prescribed by law.

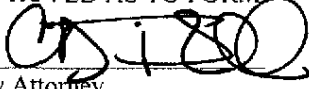
PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Glendale, Maricopa County, Arizona, this 22nd day of June, 2010.


MAYOR


ATTEST:


City Clerk (SEAL)

APPROVED AS TO FORM:


City Attorney

REVIEWED BY:


City Manager